Public Notice

U S Army Corps
of Engineers
Huntington District

In reply refer to Public Notice No. LRH-2006-2273-TUS

Issuance Date: SEP 0 3 2008

Stream: UN Trib to Swartz Ditch

Closing Date: OCT 0 2 2008

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Huntington District
ATTN: CELRH-OR-F Public Notice No. (*reference above*)
502 Eighth Street
Huntington, West Virginia 25701-2070
Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for a stream and wetland mitigation bank, submitted in accordance with 33 CFR Part 332 Compensatory Mitigation for Losses of Aquatic Resources, effective date June 9, 2008. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following mitigation bank prospectus has been submitted for an evaluation of its potential to provide compensatory mitigation for activities authorized by Department of the Army (DA) permits pursuant to the above referenced sections of law.

SPONSOR: Mr. Chris Wilson
Schumacher Lumber Company
120 Mill St
Hartville, Ohio 44632

LOCATION: The proposed project is located along unnamed tributaries to Swartz Ditch on a 122-acre property south of Wales Drive, east of South Prospect Avenue, north of Smith Kramer Street NE and west of William Penn Avenue NE in Hartville, Stark County, Ohio.

DESCRIPTION OF PROPOSED WORK: The sponsor has submitted a prospectus to the Huntington District Corps of Engineers and the other members of the regional Interagency Review Team (IRT) to develop and operate a wetland mitigation bank to be known as the Schumacher Wetlands Mitigation Bank.

Mitigation banks are defined as a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by DA permits pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. In general, units of restored, established, enhanced, or preserved wetlands (or streams) are expressed as "credits" which may subsequently be withdrawn to offset "debits" incurred at a project development site. The Corps is responsible for authorizing the use of a particular mitigation bank on a project-specific basis and determining the number and availability of credits required to compensate for proposed impacts. Decisions rendered by the Corps will fully consider all comments submitted as part of the permit evaluation process.

The objective of the proposed mitigation bank is to institute an ecologically sound, well-developed and feasible wetland restoration plan that would generate credits to be used as compensatory mitigation for activities authorized by DA permits. Plans include: the restoration of 47.1 acres (ac) of a mix of wet meadow, emergent, scrub/shrub and forested wetlands within existing agricultural fields; the restoration of 10 ac of forested wetlands within an existing forested, non-wetland area; the restoration of 4.5 ac of wetland within the proposed buffer area of the main restored wetlands; the restoration of 7.2 ac of upland forest within the proposed buffer area of the main restoration; and, the preservation of 6.8 ac of existing wetlands on the site. The proposed service area would be the Tuscarawas River (8-digit HUC 05040001), Upper Ohio River (05030101), Upper Ohio River/Wheeling Creek (05030106), Wills Creek (05040005), Muskingum River (05040004) and Walhonding River (05040003) watersheds. The proposed service area would only include the easternmost portion of the Walhonding River watershed, encompassing the Walhonding River and Killbuck Creek.

The proposed wetland bank site is located on a 122-acre property owned by Schumacher Lumber Company. The property is currently managed for row crop agriculture and is planted in radishes and other vegetables. The eastern portion of the site consists of forested, non-agricultural areas, including existing wetlands. The majority of the soils on-site consist of hydric soils (Carlisle muck); however, the site contains portions of non-hydric soils, including Chile silt loam (6-12% slopes, moderately eroded), Ginat silt loam (0-2% slopes), and Wooster silt loams (2-6% slopes, 6-12% slopes, and 6-12% slopes, moderately eroded). A stream (Stream 1), consisting of a channelized ditch that bisects the site east and west, divides the current agricultural areas to the west from the non-agricultural areas to the southeast. Stream 1 flows south across the site. A smaller stream (Stream 2), also consisting of a channelized ditch, flows north into a third channelized ditch which forms the northern boundary of the proposed project site. This third ditch flows west to east and provides surface hydrology into Stream 1. Stream 3 is another

channelized ditch which flows along the railroad tracks that form the western boundary of the proposed project site. Stream 3 flows into an existing linear wetland (Wetland D) that flows west to east into Stream 1, and was likely another channelized ditch created in the muck soils of the agricultural portion of the site. A total of 6.8 ac of five wetlands (including Wetland D) have been delineated by the sponsor's authorized agent on the proposed project site. A total of 3,624 linear feet of stream has also been delineated within the proposed project site.

The sponsor proposes to re-establish 47 acres of wetlands within hydric soils in the western (agricultural) part of the site by searching for and destroying any drainage tiles found in the area to restore hydrology to the area. In addition, the sponsor would establish a meandering stream throughout the majority of the 47 acres to further provide surface hydrology for the proposed wetlands. Hydrology would also be further enabled through the use of a slightly elevated berm along the edges of portions of the restored area as well as grade control structures and ditch plugs to retard the export of hydrology from the site. Prior to the re-establishment of hydrology in the area, the sponsor would lower the mean site elevation from 1,133' (above mean sea level) to 1,134'. According to the sponsor, this lowering of surface elevation would further enable groundwater hydrology to be re-established in the current agricultural portions. In order to establish hydrology in the forested areas of the site, the sponsor would cut a trench just to the east of Stream 1, with the trench subsequently filled with a liner (hard-packed clay or bentonite) such that subsurface drainage would be prevented from leaving the area.

This mitigation bank project would be monitored for at least ten (10) years. The overall project would include the restoration of 61.6 ac of wetlands with a long-term target of achieving forested and scrub-shrub components. The wetlands would have 7.2 ac of restored upland forest buffer. Performance goals for the proposed mitigation bank would include75% areal coverage of native, perennial, hydrophytic vegetation within the restored wetlands by the end of the 10-year monitoring period. The restored wetlands would be planted with 450 stems/acre of woody species (350 trees and 100 shrubs) achieve at least 100 stems/acre of woody plants by the end of the monitoring period. These areas would be anticipated to develop wet meadow and marsh (emergent) habitats soon after initial construction. A minimum of six tree species and six shrub species would be chosen from the attached list. The bulk of planting of trees and shrubs would occur in the current agricultural areas. For the 10 ac of restored wetland within the currently forested area of the site, the existing species would be supplemented with herbs and shrubs; the sponsor has indicated the restoration of wetland hydrology would allow natural succession of hydrophytic trees in the currently forested area. During construction, any exposed soils would be seeded to prevent erosion with the seed mix listed on the attachments.

The sponsor has included a proposed invasive species' control plan, where these species would be controlled/treated with a glyphosphate herbicide as needed. The restored wetland and upland buffer would have no greater than 5% areal cover of invasive species by the end of the monitoring period.

The remaining performance measures for the proposed bank, other than those detailed above, would include:

1. All restored forested wetlands would achieve minimum Vegetation Index of Biotic Integrity (VIBI) scores of 61-75 and all other restored wetlands minimum scores of 60-75

by the end of the monitoring period.
2. Less than 10% of the total area of restored wetlands would be unvegetated open water.
3. No more than 30% of the restored wetlands would incorporate uplands (it is anticipated pockets of non-wetland area would be surrounded by restored wetlands based on minor differences in site topography).

Wetland credits would be sold on a 0.10 acre basis and are proposed to be issued at a 1:1 ratio for all restored wetlands (61.6 ac); 1:4 ratio for the proposed restored upland buffer (7.2 ac); and 1:5 ratio for the preservation of the existing wetlands (6.8 ac). In total, 65.4 ac of mitigation credit would be generated by the proposed bank. Davey Resource Group would be responsible for the successful development of the wetland bank including monitoring and reporting requirements. The site is currently owned by Schumacher Lumber Company. They would retain ownership through the construction and monitoring phases of the bank, but the project area would be put into a conservation easement or environmental covenant to be held by the Stark County Parks Department for long-term management. The easement or covenant would protect the site in perpetuity in its natural state (upon successful completion of all wetland and upland buffer restoration activities).

Post-restoration monitoring would be conducted during Years 1, 3, 5, 7 and 10 post-construction. These monitoring reports would include assessments of wetland plant composition and cover, habitat development, hydrologic conditions, soil and water chemistry and wildlife. VIBI assessments would be conducted within the restored wetland areas and included in the annual monitoring report. To track site inundation/saturation, water level monitors would be installed within the wetland area.

General plans of the proposed work are attached to this notice. The full prospectus is available for review upon request.

HISTORIC ISSUES: The National Register of Historic Places has been consulted and it has been determined that there are no properties currently listed on the Register that are in the area affected by the project. A copy of this public notice will be sent to the State Historic Preservation Office (SHPO) for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

THREATENED & ENDANGERED SPECIES: The project is located within the known or historic range of the Indiana bat, an endangered species, the eastern massasauga rattlesnake, a candidate species, and the bald eagle, a species of concern.

The Huntington District has consulted the most recently available information and information provided by the sponsor and has determined that the project site contains some habitat suitable for the Indiana bat. Based on the type of project proposed, the Huntington District has determined the project may affect, but is not likely to adversely affect the Indiana bat, provided the sponsor does not cut suitable habitat trees during the designated summer roosting months for this species. The proposed project area consists mainly of agriculture and forest, and therefore would not be likely to contain habitat conducive for the eastern massasauga rattlesnake. Based on a lack of suitable habitat for the eastern massasauga, it has been determined the project may

affect, but would not likely adversely affect this species. Finally, the project would not involve the removal of any supercanopy trees and the site is not located near a large body of waters. Therefore the project would have no effect on the bald eagle. Based on this information, the proposed project is not likely to adversely affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the USFWS for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by a determination that the proposed mitigation bank has potential for providing appropriate compensatory mitigation for activities authorized by DA permits may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This proposal will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to approve this activity will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. If it is determined that the proposed mitigation bank has potential for providing appropriate compensatory mitigation for activities authorized by DA permits, the sponsor will be allowed to proceed with preparation of a draft instrument for the establishment of a mitigation bank unless its approval is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the potential of the proposed mitigation bank to provide appropriate compensatory mitigation for activities authorized by DA permits and to evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether the proposed mitigation bank has the potential for providing appropriate compensatory mitigation for

activities authorized by DA permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to: Mr. Jim Spence, Project Manager, North Regulatory Section, CELRH-OR-FN, USACE Huntington District, 502 Eighth Street, Huntington, West Virginia 25701-2070. Please note names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Mr. Jim Spence of the North Regulatory Section at 304-399-6905.

Ginger Mullins, Chief
Regulatory Branch

(O)

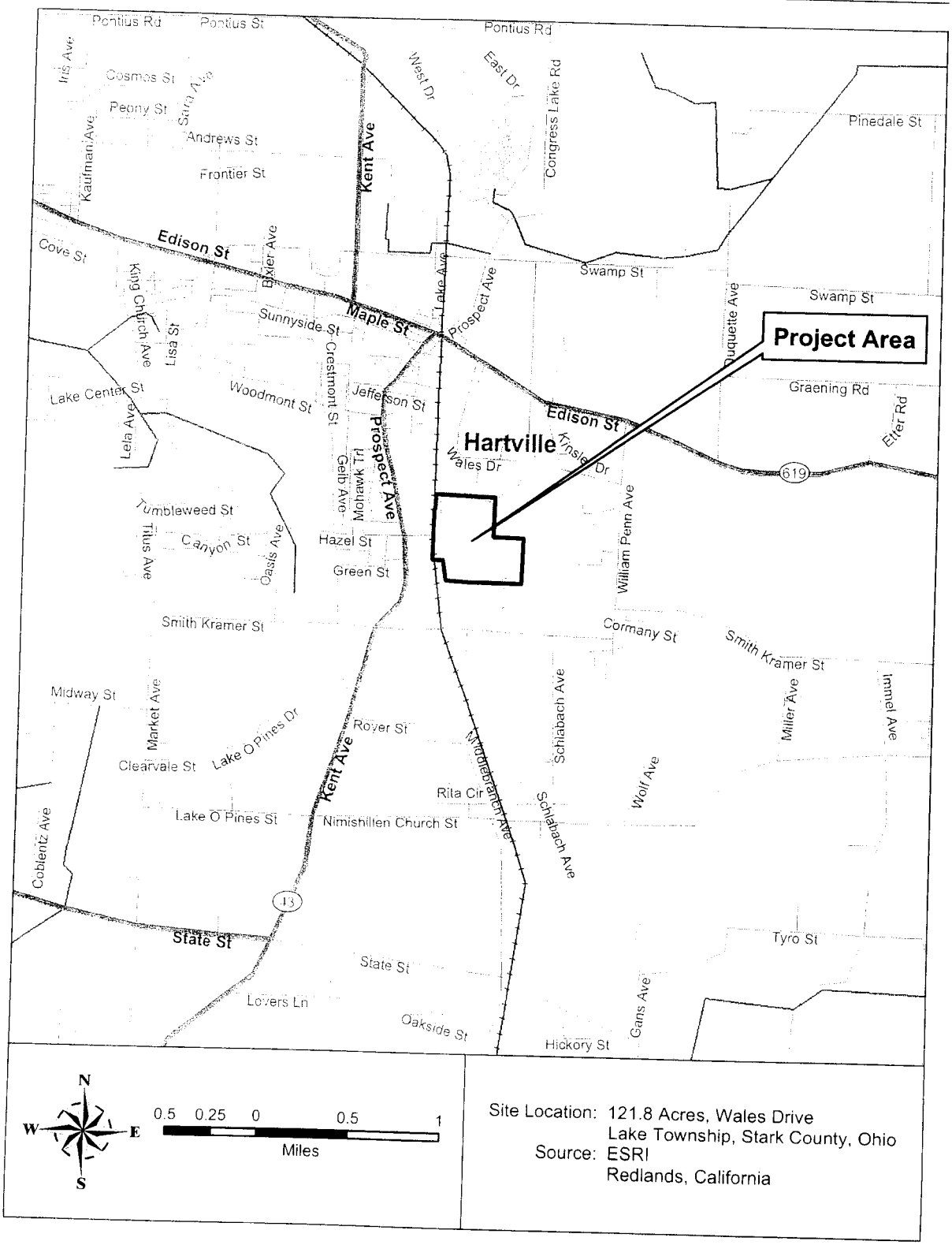
Figure 1 of 8

Appendix A
Location of Stark County, Ohio

Site Location: 121.8 Acres, Wales Drive
Lake Township, Stark County, Ohio
Source: ESRI
Redlands, California

Figure 2 of 8

Appendix B
Location of Project Area on Highway Map



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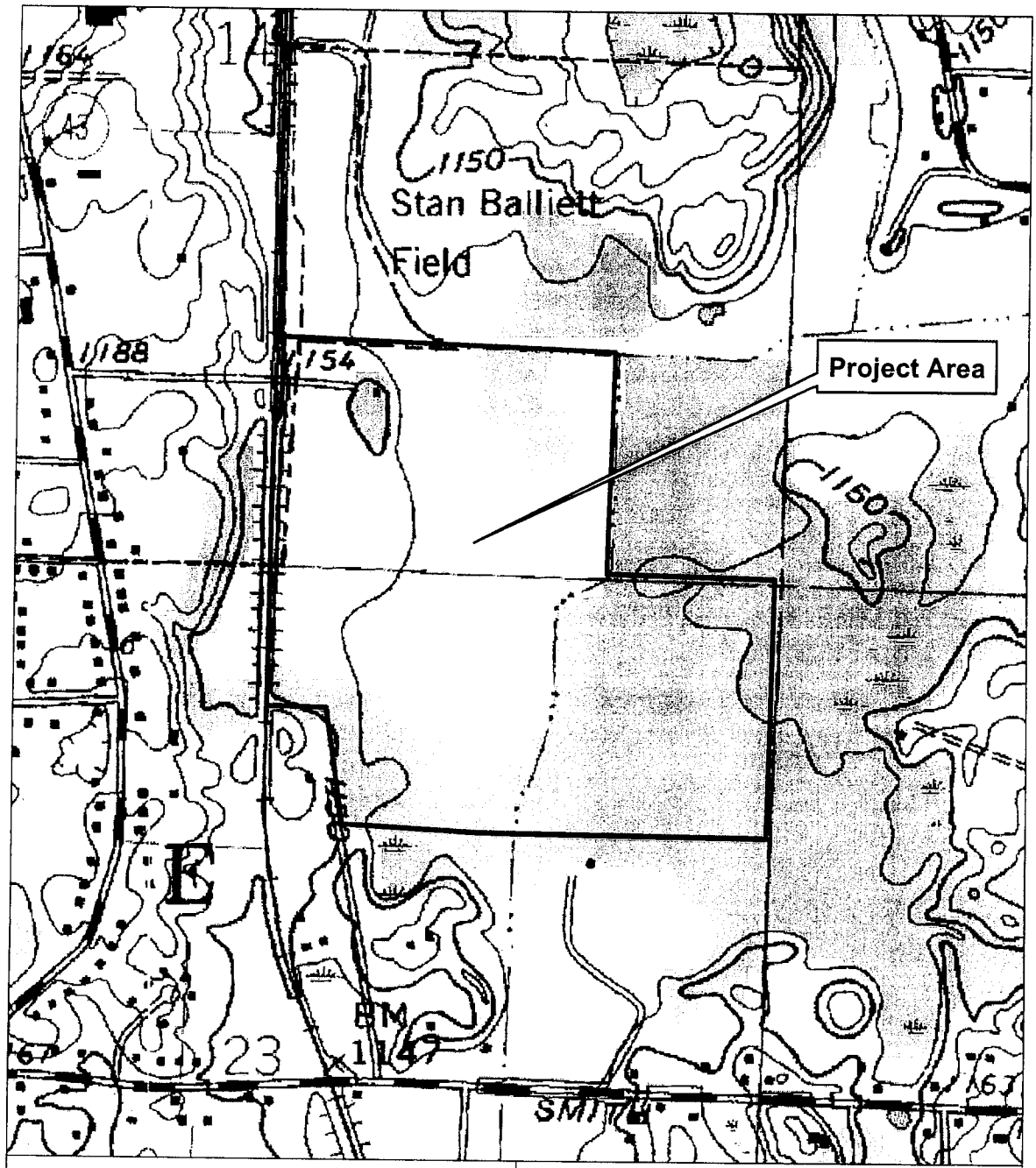
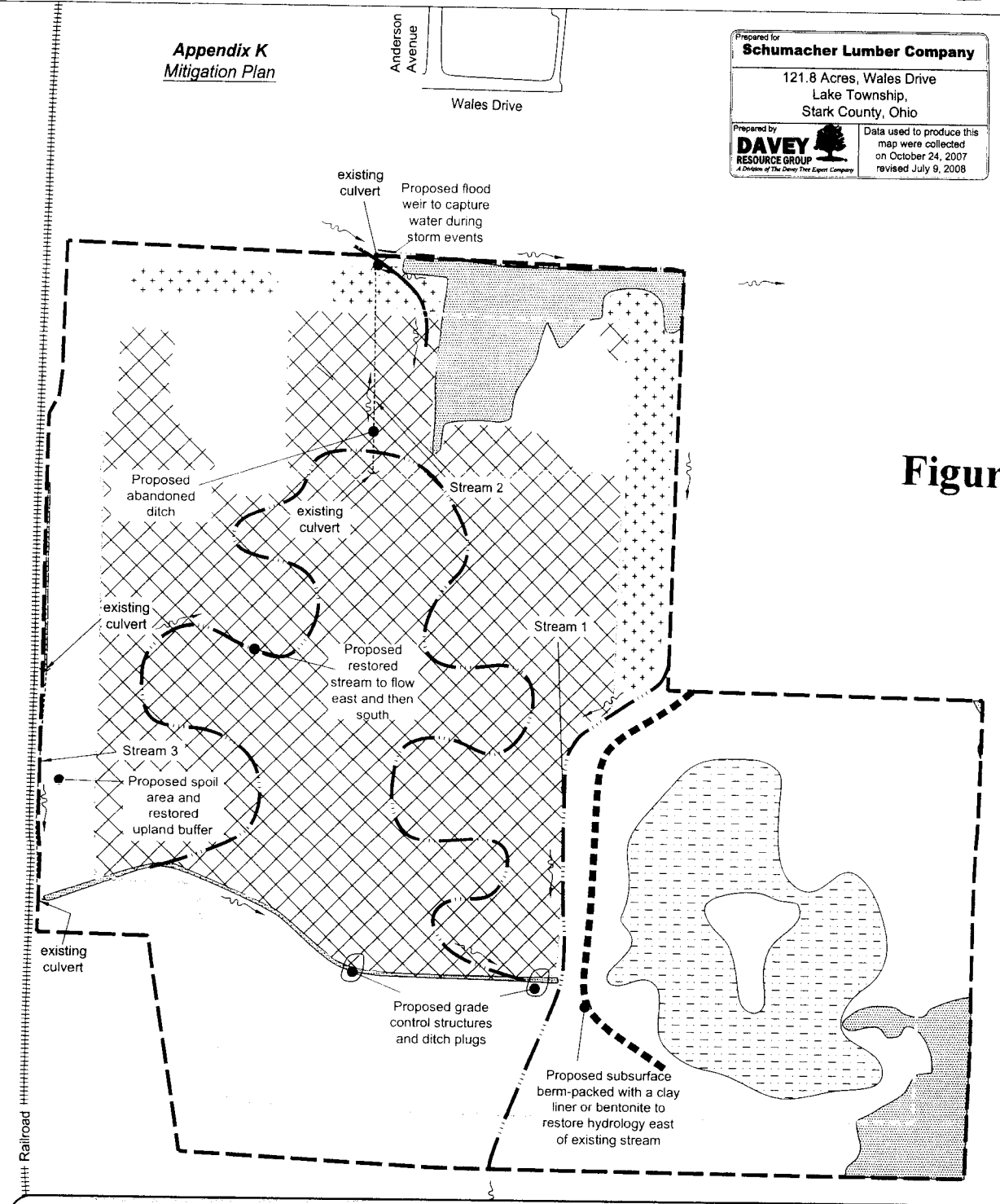
Appendix D
Location of Project Area on
USGS 7.5-Minute Topographic Maps
(Hartville Quadrangle)



Site Location: 121.8 Acres, Wales Drive
Lake Township, Stark County, Ohio
Source: U. S. Geological Survey
Reston, Virginia
Revised 1992

Appendix K
Mitigation Plan

Prepared for
Schumacher Lumber Company
121.8 Acres, Wales Drive
Lake Township,
Stark County, Ohio
Prepared by DAVEY RESOURCE GROUP
A Division of The Davey Tree Expert Company
Data used to produce this map were collected on October 24, 2007 revised July 9, 2008



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- Project area
- Permanent stream (2,351 linear feet)
- Intermittent stream (1,273 linear feet)
- Direction of flow
- Wetlands delineated in project area (6.8 acres)
- Restored wetlands (47.1 acres)
- Restored wetlands within buffer area (4.5 acres)
- Restored forested wetlands (10.0 acres)
- Restored and preserved forested buffer area (150 feet wide)
- Restored upland forest (7.2 acres)

	Acres	*Credit Ratio*	*Total Credits*
Restored wetlands	47.1	1:1	47.1
Restored forested wetlands	10.0	1:1	10.0
Restored wetlands in buffer	4.5	1:1	4.5
Restored upland forest	7.2	1:4	1.8
Preserved wetlands	6.8	1:5	1.4
Total Credits	***75.6***		***64.8***

NOTE: Wetland sizes and stream lengths could change upon overlay of a boundary survey, especially where these features extend outside of or are in close proximity to the shown project limits. Wetland acreage and stream lengths are calculated for the portion that occurs in the shown project limits.

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GRAPHIC SCALE
0 200 400
(IN FEET)

Smith Kramer Street

Figure 5 of 8

Appendix L
Planting and Seed Mix Species Lists

Table 1. Species for Planting (Dependent on Availability)

Species[1]	Common Name	Indicator Status[2]	C of C[3]
Trees			
Acer rubrum	red maple	FAC	2
Acer saccharinum	silver maple	FACW	3
Acer saccharum	sugar maple	FACU-	5
Alnus incana	speckled alder	[FACW+]	6
Alnus serrulata	brook-side alder	OBL	6
Amelanchier arborea	downy service-berry	FAC-	5
[Amelanchier laevis]	[smooth serviceberry]	[FAC]	5
Betula alleghaniensis	yellow birch	FAC	7
Carpinus caroliniana	American hornbeam	FAC	5
Carya ovata	shag-bark hickory	FACU	6
Fagus grandifolia	American beech	FACU	7
Juglans nigra	black walnut	FACU	5
Liriodendron tulipifera	tulip tree	FACU	6
Nyssa sylvatica	black gum	FAC	7
Platanus occidentalis	American sycamore	FACW-	7
Prunus serotina	black cherry	FACU	3
Quercus alba	white oak	FACU-	6
Quercus bicolor	swamp white oak	FACW+	7
Quercus imbricaria	shingle oak	FAC	5
Quercus macrocarpa	bur oak	FAC-	6
Quercus palustris	pin oak	FACW	5
Quercus rubra	northern red oak	FACU-	6
Salix nigra	black willow	FACW+	2
Shrubs			
Aronia melanocarpa	black chokeberry	FAC	5
Cephalanthus occidentalis	common buttonbush	OBL	6
Cornus amomum	silky dogwood	FACW	2
Cornus stolonifera	red-osier dogwood	FACW+	3
Ilex verticillata	common winterberry	FACW+	6
Lindera benzoin	northern spicebush	FACW-	5
Ribes americanum	wild black currant	FACW	4
Rosa palustris	swamp rose	OBL	5
Salix discolor	pussy willow	FACW	3
Salix eriocephala	Missouri river willow	FACW+	2
Salix exigua	sandbar willow	OBL	1
Salix sericea	silky willow	OBL	4
Spiraea alba	narrow-leaf meadow-sweet	FACW+	3
Spiraea tomentosa	steeple-bush	FACW-	4
Staphylea trifolia	American bladdernut	FAC	6
Vaccinium corymbosum	highbush blueberry	FACW-	6
Viburnum lentago	nannyberry	FACW-	5
Viburnum recognitum	northern arrow-wood	FAC	2
Viburnum trilobum	American cranberrybush	FACW	8

Figure 6 of 8

Table 1. Species for Planting (Dependent on Availability) (Cont'd.)

Species[1]	Common Name	Indicator Status[2]	C of C[3]
Forbs			
[Acorus americanus]	[American sweet-flag]	[OBL]	6
Brasenia schreberi	watershield	OBL	7
Calla palustris	wild calla	OBL	10
Chelone glabra	white turtlehead	OBL	6
Coptis trifolia	goldthread	FACW	7
Iris versicolor	blueflag	OBL	6
Lysimachia terrestris	swamp loosestrife	OBL	6
Nuphar luteum	yellow cow-lily	OBL	4
Nymphaea odorata	white water-lily	OBL	6
Peltandra virginica	arrow arum	OBL	5
Rubus hispidus	swamp dewberry	FACW	5
Saururus cernuus	lizard's tail	OBL	8
Solidago ohioensis	Ohio golden-rod	OBL	8
Sparganium americanum	American burreed	OBL	6
Sparganium eurycarpum	giant burreed	OBL	4
Symplocarpus foetidus	skunk-cabbage	OBL	7
Ferns			
Osmunda cinnamomea	cinnamon fern	FACW	6
Osmunda regalis	royal fern	OBL	7
Graminoids			
Carex spp.	wetlands sedges	WIS	n/a
Cinna arundinacea	common wood-reed	FACW	4
Glyceria canadensis	rattlesnake manna grass	OBL	7
Glyceria grandis	tall manna grass	OBL	7
Glyceria septentrionalis	floating manna grass	OBL	6

[1] Most species names and indicator status were obtained from Reed, 1998. Data presented in brackets were obtained from Andreas, *et al.*, 2004. These data are not provided in Reed, 1998.

[2] Please refer to Appendix M for a description of wetlands vegetation indicator status symbols.

[3] The Coefficient of Conservatism (C of C) is the foundation of assessing floristic quality and an integral part of the Vegetation Index of Biotic Integrity (VIBI) (Mack, 2004). It identifies the likelihood that a plant is found within different habitats; the narrower the habitat requirements, the higher the C of C scores. Ohio EPA has assigned C of C scores for plants growing within the ecoregions particular to Ohio. These scores may be found in the *Floristic Quality Assessment Index (FQAI) for Vascular Plants and Mosses for the State of Ohio* (Andreas, *et al.*, 2004).

Figure 7 of 8

Table 2. Seed Mix (Dependent on Availability)

Botanical Name	Common Name	Indicator Status	C of C
Asclepias incarnata	swamp milkweed	OBL	4
Aster puniceus	swamp aster	OBL	7
Aster umbellatus	flat-top white aster	FACW	3
Bidens cernua	nodding beggar-ticks	OBL	3
Bolboschoenus fluviatilis (Scirpus fluviatilis)	river bulrush	OBL	5
Calamagrostis canadensis	blue-joint reedgrass	FACW+	4
Carex crinita	fringed sedge	OBL	3
Carex grayi	Asa Gray's sedge	FACW+	5
Carex intumescens	bladder sedge	FACW+	5
Carex lupulina	hop sedge	OBL	3
Carex lurida	shallow sedge	OBL	3
Carex scoparia	pointed broom sedge	FACW	3
[*Carex stipata*]	[crowded sedge]	[OBL]	2
Carex tribuloides	blunt broom sedge	FACW+	4
Clematis virginiana	Virginia virgin's bower	FAC	3
Coreopsis tripteris	tall tickseed	FAC	5
Dulichium arundinaceum	three-way sedge	OBL	6
Elymus canadensis	nodding wild-rye	FACU+	6
Elymus riparius	riverbank wild -rye	FACW	5
Elymus virginicus	Virginia wild -rye	FACW-	3
Eupatorium fistulosum	hollow Joe-pye-weed	FACW	6
Eupatorium maculatum	spotted Joe-pye-weed	FACW	6
Eupatorium perfoliatum	common boneset	FACW+	3
Glyceria canadensis	rattlesnake grass	OBL	7
Glyceria grandis	Canada manna grass	OBL	7
Iris versicolor	blueflag	OBL	6
Lolium multiflorum	annual ryegrass	not listed	n/a
Ludwigia alternifolia	bushy seedbox	FACW+	3
Mimulus ringens	Alleghany monkey-flower	OBL	4
Panicum virgatum	switchgrass	FAC	4
Poa palustris	fowl bluegrass	FACW	5
Rudbeckia fulgida (speciosa)	orange coneflower	FAC	6
Rudbeckia laciniata	cut-leaf coneflower	FACW	6
Scirpus acutus	hard-stemmed bulrush	OBL	7
Scirpus americanus	Olney's bulrush	OBL	9
Scirpus polyphyllus	leafy bulrush	OBL	6
Solidago riddelli	Riddell's goldenrod	OBL	8
[*Solidago speciosa*]	[showy goldenrod]	[UPL]	5

Figure 8 of 8

Table 2. Seed Mix (Dependent on Availability) (Cont'd.)

Botanical Name	Common Name	Indicator Status	C of C
[*Sorghastrum nutans*]	[Indian grass]	[FAC]	5
Sparganium americanum	American burreed	OBL	6
Spartina pectinata	prairie cordgrass	OBL	5
Tradescantia ohioensis	Ohio spider-wort	FAC	5
Verbena hastata	blue vervain	FACW+	4